IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4103 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PANCHAL LILAVATIBEN AMTHALAL

Versus

KHERALU MUNICIPAL BOROUGH

Appearance:

1. Special Civil Application No. 4103 of 2001

MR PK JANI for Petitioner No. 1

MR BHARAT T RAO for Respondent No. 1-2

RULE SERVED for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 03/08/2004

ORAL JUDGEMENT

1.0. The case of the petitioner is that though she was selected, she was not appointed on the post of peon

because the approval was not granted by respondent no. 3. But subsequently the Municipality has appointed some other person on the said post. Therefore, today, the petitioner is not in a position to get the said post.

2.0. However looking to the peculiar facts and circumstances, a consensus has been arrived at between the parties and on the basis of such consensus the following order is passed.

2.1. On the peculiar facts of the case it is directed that as and when there is vacancy of Peon in the school run by respondent no.1 - Kheralu Municipal Borough, the petitioner shall make a representation to the General Board of respondent no.1. and the respondent No. 1 Municipal Borough shall consider her case and if she is found eligible, her case shall be considered sympathetically and she may be appointed on the said post. It is clarified that while considering her case, the upper age limit will not be taken into consideration, if she is otherwise eligible to be appointed.

3.0. With the above direction, the petition is disposed of. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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